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Practitioner's Pocket Note 015530-0

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Guy R J. ORAM, et al.  
Application No.: 10/517,496  
Filed: June 24 2005  
For: REACTION CHAMBER

Group No.: 1641  
Examiner:

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450  
ATTENTION: Director, Group 1641

REQUEST FOR WITHDRAWAL AS ATTORNEY (37 C.F.R. 10.40(c))

**NOTE:** If a period has been set for response and the period may be extended without a showing of cause pursuant to 37 C.F.R. § 1.136(a) by filing a petition for extension of time and fee, the practitioner will not be required to seek such extension of time for withdrawal to be approved. In such a situation, however, withdrawal will not be approved unless at least 30 days would remain between the date of approval and the last date on which such a petition for extension of time and fee could properly be filed. M.P.E.P. § 402.06, 8<sup>th</sup> ed.

**WARNING:** If the Request for Withdrawal is filed after mailing of the Notice of Allowance it can result in a reduction in patent term under 37 C.F.R. § 1.704(c)(10). Therefore, care should be taken to resolve the question of withdrawal before this possibility.

CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10\*

(When using Express Mail, the Express Mail label number is **mandatory**;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. 1.8(a)

37 C.F.R. 1.10\*

☒ with sufficient postage as first class mail.

☐ as "Express Mail Post Office to Addressee"  
Mailing Label No. \_\_\_\_\_ (mandatory)

TRANSMISSION

☐ transmitted by facsimile to the Patent and Trademark Office. to (571)-273-8300

Date: October 15, 2007

Signature

William R. Evans

(type or print name of person certifying)

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

## REQUEST FOR PERMISSION TO WITHDRAW

1. I, an attorney signing below, respectfully request permission to withdraw from all further responsibility in this case, in accordance with 37 C.F.R. 1.36.

*(complete the following item, if appropriate)*

- ☐ Because the amendment referred to in item 4A(iii) below is a continuing application signed only by an attorney named below this withdrawal request is also for such continuing application.

### LAST KNOWN ADDRESS OF CLIENT

2. The last known mailing address of the:

- ☐ inventor(s)  
☒ assignee of the entire interest

is Millenium Biologix AG  
Wagistrasse 23, CH-8952 Schileren, Switzerland.

### BASIS FOR WITHDRAWAL REQUEST

3. The basis for the request for withdrawal is 37 C.F.R. 10.40(c) §(§) \_\_\_\_\_.

Explanation (including brief description of exhibits, if any):

Copy of e-mail of September 27, 2007 informing of assignee's bankruptcy.

Copy of letter of September 28, 2007 to assignee.

Copy of envelope returning letter of September 28, 2007, with PostMail sticker marked, in English translation of the Swiss (German) "Return ☒ Addressee cannot be found at given address."

*(add additional page(s), as required for explanation)*

## ALLOWANCE OF TIME FOR CLIENT TO ACT

### 4. Status of this Application

#### A. Response due *(if any)*

- (i) ☒ There is no outstanding term for response.
- (ii) ☐ There is an outstanding term for response that is set to expire on \_\_\_\_\_.  
The above term is extendible under 37 C.F.R. 1.136(a), until \_\_\_\_\_ and  
the fees for such extension  
☐ are  
☐ are not  
being submitted herewith.

*(complete the following, if applicable)*

- (iii) ☐ Also submitted herewith, is a response to the outstanding Official Action.

#### B. Time Left for Response

Therefore, the amount of time for response, including extension under 37 C.F.R. 1.136(a), is:

☐ at least \_\_\_\_\_.

☐ cannot be calculated because this case is/will now be awaiting action by the PTO.

## NOTIFICATION OF CLIENT

5. In accordance with 37 C.F.R. 10.40(a), a copy of this request, including attachments, is being sent to the client.

A copy of the letter to the assignee is attached.

*NOTE: A practitioner shall not withdraw from employment without giving due notice to his or her client. 37 C.F.R. 10.40(a).*

## NUMBER OF COPIES OF REQUEST

6. This request is enclosed in triplicate.

*NOTE: "To expedite the handling of request for permission to withdraw as attorney under 37 C.F.R. § 1.36 submit the request in triplicate (original and two copies). . . " Notice of September 3, 1985 (1058 O.G. 32).*

## 7. Related Applications for Which Withdrawal is Requested

**Withdrawal also is (has been) requested in the following related applications of the:**

*(check all applicable items)*

- ☐ inventor:
- ☐ assignee:
- ☐ common representative:

<u>Application Number</u>	<u>Group</u>	<u>Status of Withdrawal request</u>
_____	_____	_____
_____	_____	_____

**SIGNATURE(S) OF WITHDRAWING ATTORNEY(S) (PRACTITIONER(S))**

**NOTE:** Each attorney of record must sign the notice of withdrawal or the notice of withdrawal must contain a clear indication of one attorney signing on behalf of another. M.P.E.P. § 402.06, 6<sup>th</sup> ed. rev. 3.

8. Signature(s) of the attorney(s) withdrawing (or signature of an authorized attorney on behalf of an attorney withdrawing)

(list all the attorneys, and registration numbers, appearing on declaration or power, as appropriate. An authorized attorney signing on behalf of a withdrawing attorney should also show his or her registration number.)

Signature of withdrawing attorney

JOSEPH H. HANDELMAN, 26179  
name and registration number of withdrawing attorney

**Signature of withdrawing attorney**

~~JOHN RICHARDS, 31053~~  
~~Name and registration number of withdrawing attorney~~

JOHN RICHARDS, 31053  
Name and registration number of withdrawing attorney  
Signature of withdrawing attorney

~~RICHARD STREIT, 25765~~  
~~name and registration number of withdrawing attorney~~

Signature of withdrawing attorney

PETER D. GALLOWAY, 27885  
Name and registration number of withdrawing attorney

PETER D. GALLOWAY, 27885  
Name and registration number of withdrawing attorney  
Signature of withdrawing attorney

RICHARD P. BERG, 28145  
*name and registration number of withdrawing attorney*

Signature of withdrawing attorney

JULIAN H. COHEN, 20302  
*name and registration number of withdrawing attorney*

~~Signature of withdrawing attorney~~

WILLIAM R. EVANS, 25858  
name and registration number of withdrawing attorney

**Signature of withdrawing attorney**

JANET L. CORDE 83778  
name and registration number of withdrawing attorney

**Signature of withdrawing attorney**

CLIFFORD J. MASS, 30086  
name and registration number of withdrawing attorney

Signature of withdrawing attorney

STEVEN I. WALLACH, 35402  
*name and registration number of withdrawing attorney*

Reg. No.:

Tel. No.: ( )

Customer No.:



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**SIGNATURE OF PRACTITIONER**

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William R. Evans, 25858, (212) 708-1930

*(type or print name of practitioner)*

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P.O. Address

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c/o Ladas & Parry LLP  
26 West 61<sup>st</sup> Street  
New York, N.Y. 10023